



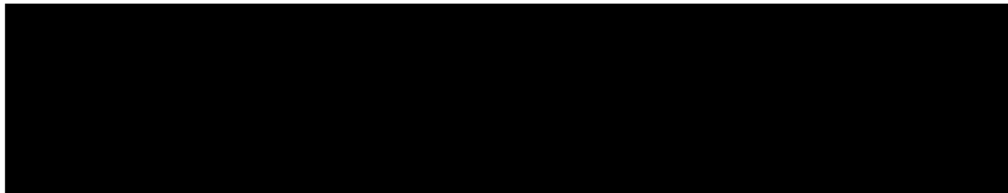
Eric Gonzalez
District Attorney

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MARIA J. MIRANDA
Assistant District Attorney

December 4, 2020



In connection with the above-named case, the People voluntarily provide the following information regarding:

MOS Name: ANDRES TORIBIO

MOS Tax: 945059

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. Further, the People reserve the right to move in limine to preclude reference to this information, or otherwise to object to its use and/or introduction into evidence.

Disclosure # 1:

MOS TORIBIO PLED GUILTY TO FOLLOWING NYPD DISCIPLINARY CHARGES AND SPECIFICATIONS WHILE MOS TORIBIO WAS ASSIGNED TO THE 24TH PRECINCT:

1. MOS TORIBIO, WHILE OFF DUTY, ON OR ABOUT AUGUST 15, 2008, IN NEW YORK COUNTY, DID ENGAGE IN CONDUCT PREJUDICIAL TO THE GOOD ORDER, EFFICIENCY OR DISCIPLINE OF THE DEPARTMENT, IN THAT MOS TORIBIO OPERATED AN UNREGISTERED MOTOR VEHICLE WITH IMPROPER LICENSE PLATES.
2. MOS TORIBIO, WHILE OFF DUTY, ON OR ABOUT AUGUST 30, 2008, IN NEW YORK COUNTY, DID ENGAGE IN CONDUCT PREJUDICIAL TO THE GOOD ORDER, EFFICIENCY OR DISCIPLINE OF THE DEPARTMENT, IN THAT SAID MOS TORIBIO OPERATED AN UNREGISTERED MOTOR VEHICLE WITH IMPROPER LICENSE PLATES.
3. MOS TORIBIO, WHILE ON DUTY, ON OR ABOUT AND BETWEEN MARCH 17, 2010 TO JULY 14, 2010, MOS TORIBIO UTILIZED A DEPARTMENT COMPUTER SYSTEM ON SIXTEEN (16) OCCASIONS TO PERFORM TASKS UNRELATED TO THE OFFICIAL BUSINESS IN THE DEPARTMENT, TO WIT: SAID MOS, USED A DEPARTMENT DATABASE IN ORDER TO PERFORM WARRANT AND LICENSE CHECKS ON INDIVIDUALS KNOWN TO THE DEPARTMENT.

CASE STATUS: CLOSED ON 12/17/2012

PENALTY: FORFEITURE OF FIFTEEN (15) VACATION DAYS.

Disclosure # 2:

MOS TORBIO IS A NAMED DEFENDANT IN THE FOLLOWING CIVIL ACTIONS:

1. NORRIS SIMPSON V. CITY OF NEW YORK, ET AL, 11-CV-8255, FILED IN THE SOUTHERN DISTRICT OF NEW YORK
2. VICTOR LOPEZ V. CITY OF NEW YORK, ET AL, 14-CV-03673, FILED IN THE SOUTHERN DISTRICT OF NEW YORK

Disclosure # 3:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION, DATED 01/29/2013, AGAINST MOS TORIBIO:

1. DEPARTMENT RULES VIOLATIONS – TRAFFIC VIOLATIONS BUREAU – COURT NON-APPEARANCE

CASE STATUS: CLOSED ON 06/04/2013
PENALTY: SCHEDULE B COMMAND DISCIPLINE

Disclosure # 4:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION, DATED 02/26/2013, AGAINST MOS TORIBIO:

1. DEPARTMENT RULES AND VIOLATIONS – TRAFFIC VIOLATIONS BUREAU – COURT NON-APPEARANCE

CASE STATUS: CLOSED ON 06/04/2013

PENALTY: SCHEDULE B COMMAND DISCIPLINE

Disclosure # 5:

MOS TORIBIO PLED GUILTY TO THE FOLLOWING NYPD DISCIPLINARY CHARGES AND SPECIFICATIONS WHILE MOS TORIBIO WAS ASSIGNED TO MIDTOWN PRECINCT SOUTH:

1. MOS TORIBIO, ON OR ABOUT AUGUST 29, 2013, IN NEW YORK COUNTY, DID WRONGFULLY DISPLAY HIS NYPD RESTRICTED PARKING PERMIT AND PARKED IN FRONT OF A FIRE HYDRANT.
2. MOS TORIBIO, ON OR ABOUT AND BETWEEN DECEMBER 20, 2012 TO AUGUST 29, 2013, DID FAIL AND NEGLECT TO RETURN HIS NYPD RESTRICTED PARKING PERMIT ISSUED BY THE 24TH PRECINCT UPON HIS TRANSFER TO MIDTOWN PRECINCT SOUTH.
3. MOS TORIBIO, ON OR ABOUT JANUARY 15, 2014, DID FAIL AND NEGLECT TO NOTIFY THE DESK OFFICER UPON HIS DISMISSAL FROM NEW YORK COUNTY CRIMINAL COURT AND HIS RETURN TO MIDTOWN PRECINCT SOUTH WHERE SAID MOS REMAINED INSIDE THE OFFICER'S LOUNGE FOR APPROXIMATELY SIX (6) HOURS.

CASE STATUS: CLOSED ON 06/12/2015

PENALTY: ONE (1) YEAR DISMISSAL PROBATION AND FORFEITURE OF TWENTY (20) VACATION DAYS.

Disclosure # 6:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION, DATED 10/20/2016, AGAINST MOS TORIBIO:

1. TRAFFIC VIOLATIONS BUREAU – COURT NON-APPEARANCE

CASE STATUS: CLOSED ON 10/19/2017

PENALTY: SCHEDULE A COMMAND DISCIPLINE

Disclosure # 7:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATIONS, DATED 02/11/2018, AGAINST MOS TORIBIO:

1. FAIL TO SAFEGUARD DEPARTMENT EQUIPMENT - TRAIN PASS – METROCARD
2. MISSING DEPARTMENT EQUIPMENT - TRAIN PASS - METROCARD

CASE STATUS: CLOSED ON 02/16/2018

PENALTY: SCHEDULE A COMMAND DISCIPLINE

Disclosure # 8:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATIONS, DATED 11/18/2019, AGAINST MOS TORIBIO:

1. FAIL TO SAFEGUARD DEPARTMENT EQUIPMENT - DEPARTMENT CELLULAR PHONE
2. MISSING DEPARTMENT EQUIPMENT - DEPARTMENT CELLULAR PHONE

CASE STATUS: CLOSED ON 01/22/2020

PENALTY: SCHEDULE A COMMAND DISCIPLINE

THE PEOPLE ARE AWARE OF THE FOLLOWING CCRB SUBSTANTIATED AND OR PENDING ALLEGATIONS AGAINST THIS OFFICER:

Disclosure # 9:

CCRB CASE: 201407259

REPORT DATE: 07/18/14

INCIDENT DATE: 07/11/14

OTHER MISCONDUCT NOTED:

1. OMN—FAILURE TO PREPARE A MEMOBOOK ENTRY—OTHER MISCONDUCT

Eric Gonzalez
District Attorney
Kings County